

REMARKS

Currently pending are claims 1-6, 44-45, and 52-63. Claims 8-43 and 46-51 have been canceled. New claims 52-63 have been added. Applicants have incorporated the limitations of claim 7 into independent claim 1, which Examiner has indicated would have been allowable. No new matter has been added.

The Examiner has rejected claims 1, 3-6, and 44-45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of U.S. Patent No. 6,746,826. In light of the amendment, the Examiner's rejections have become moot. Nonetheless, the following remarks regarding the Examiner's rejections and the amended claims may be helpful to expedite prosecution.

U.S. Patent No. 6,746,826 fails to claim the limitation of providing a laminar airflow field in a developer fluid module in which a substrate is located, nor the limitation of applying a charge of developer fluid onto a polymer layer on a substrate at a plurality of locations on the surface of the polymer layer.

Examiner appears to have used elements from the specifications of the issued patent as prior art. Examiner's attention is directed to MPEP 804 (II.B.1.), which states that "the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). The double patenting rejection is improper, at least partially because the issued claims do not contain all the limitations of the claims of the application, and the missing limitation have not been properly shown in the prior art of record.

Applicant, accordingly, respectfully requests withdrawal of the rejection of claims 1, 3-6, and 8-11 under the judicially created doctrine of obvious-type double patenting as being unpatentable over U.S. Patent No. 6,746,826.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1-6 and 44-45 under 35 U.S.C. § 103(a) as being unpatentable over Shibata et al., U.S. Patent 5,897,982 (hereinafter, "Shibata") considered in view of Sakai et al., U.S. Patent 5,853,961 (hereinafter, "Sakai"), Inada et al., U.S. Patent 5,625,433 (hereinafter, "Inada"), and/or Fukuda, U.S. Patent 4,564,280 (hereinafter, "Fukuda"). In light of the amendment, the Examiner's rejections have become moot. Nonetheless, the following remarks regarding the Examiner's rejections and the amended claims may be helpful to expedite prosecution.

The limitation found in claim 7 has been incorporated into independent claims 1, 52, and 60, which the Examiner has indicated would be allowable.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-6 and 44-45 under 35 U.S.C. § 103(a) as being unpatentable over Shibata considered in view of Sakai, Inada, and/or Fukuda.

ALLOWABLE CLAIMS

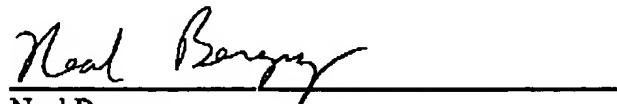
Applicant has noted, with appreciation, that the Examiner indicated that claim 7, is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form to including all of the limitations of the base claim and any intervening claims. In view of these amendments, Applicant respectfully submits that the pending claims are now in condition for allowance and request allowance for said claims.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Mr. Michael A. Bernadicou or Mr. Neal Berezny at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Examiner: Le, Hoa Van
Art Unit: 1752